

REMARKS

In the May 19, 2004 Office Action, all of the claims stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 19, 2004 Office Action, Applicants have amended claims 1 and 11 as indicated above. Applicants have also amended the specification to correct a typographical error. Thus, claims 1-3, 7, 11-13, and 17 are pending, with claims 1 and 11 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

In item 3 of the Office Action, claims 1-3, 7, 11-13, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Laid-Open Patent Publication JP2000-35053 (Hashimoto) in view of U.S. Patent No. 4,613,029 (Beccaris). In response, Applicants have amended independent claims 1 and 11 as mentioned above.

More specifically, independent claim 1 now clearly recites that the prescribed angular range has a positive rotational side and a negative rotational side corresponding to the first rotary member being respectively rotated relative to the second rotary member in a first rotational direction and second rotational direction opposite the first rotational direction. Further, claim 1 also recites that the elastic member is configured to soften the impact between members that contact each other at an end of the prescribed angular range only on one of the positive rotational side or the negative rotational side. Claim 11 similarly recites an elastic member configured to soften the impact between members that contact each other at an end of the prescribed angular range only on one of the positive or negative torsional characteristic sides.

On page 2 of the Office Action, it is stated that Hashimoto does not teach an elastic member disposed between the internal and external teeth of the rotary members. Thus, the Office Action relies on Beccaris for this teaching. As seen in Figs. 6 and 7 of Beccaris, Beccaris discloses elastic members 29', 35", and 36" disposed on both rotational sides of the internal teeth and external teeth. Thus, in contrast to amended claims 1 and 11 of the present application, the elastic members of Beccaris are arranged to be interposed by the teeth on *both* the positive and negative torsional characteristic sides. Applicants respectfully assert that using only one elastic member would be contrary to the teaching of Beccaris because Beccaris clearly states, "A plurality of blocks are ... disposed with circular symmetry," on column 1, lines 65 and 66. Since Beccaris does not teach using an elastic member on one rotational side and Hashimoto fails to teach the use of an elastic member between the internal and external teeth of the rotary members, Applicants respectfully assert that the combination of the references also fail to disclose or to suggest this arrangement.

Clearly this arrangement is *not* disclosed or suggested by the Hashimoto reference, Beccaris patent, or any other prior art of record alone or in combination. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of damper mechanism.

Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 11, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 1 and

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11, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

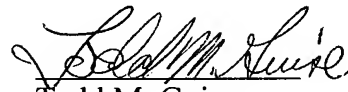
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-3, 7, 11-13, and 17 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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